

**BorgWarner
Inc.**

**200
South
Michigan
Avenue**

**Chicago
Illinois
60604**

**Telephone
312 322 8500**

RECEIVED
MAR 28 2001

VIA MESSENGER



**SUPERFUND PROGRAM
MANAGEMENT BRANCH
BorgWarner**

March 27, 2001.

U.S. Environmental Protection Agency
Deena Sheppard-Johnson, SR-6J
Remedial Enforcement Support Section
77 West Jackson Blvd.
Chicago, Illinois 60604

**Re: The Chemical Recovery Systems Site, Elyria Ohio
General Notice of Potential Liability and
Request for Information under CERCLA Section 104(e)**

Dear Ms. Sheppard-Johnson:

BorgWarner Inc. ("BorgWarner") hereby submits this Response on behalf of its wholly-owned subsidiary, BorgWarner Transmission Systems Inc. ("BWTS", formerly known as BorgWarner Automotive Automatic Transmission Systems Corporation), to USEPA's General Notice of Potential Liability and Request for Information ("Notice and Request") which was directed to:

Borg-Warner
8111 Middlebelt Road
Romulus, Michigan 48174

The property to which you directed the Notice and Request is referred to herein as the "Romulus Property." As the undersigned indicated in a voicemail message on March 19, 2001 to Thomas Nash, your Assistant Regional Counsel (and as is described in greater detail below), this Response has been delayed because BWTS no longer owns the Romulus Property, which caused a delay in our receipt of the Notice and Request.

The Response is consistent with BorgWarner's and BWTS's best knowledge and belief at this time. The Response is not and should not be construed as an admission of liability on the part of BorgWarner or BWTS. BorgWarner and BWTS specifically reserve the right to supplement this Response in the future. Finally, BorgWarner and BWTS object to providing information that is not relevant to the Chemical Recovery Systems Site (the "Site") or the Romulus Property, that is subject to the attorney-client privilege or work product doctrine, or that is not within the custody or control of BorgWarner or BWTS.

US EPA RECORDS CENTER REGION 5



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If you need additional information regarding this Response, please contact:

Stephanie C. Bransfield
Corporate Counsel
BorgWarner Inc.
200 S. Michigan Avenue
Chicago, IL 60604

Tel. 312-322-8745
Fax 312-322-8621

BWTS purchased the Romulus Property from Federal-Mogul Worldwide, Inc. ("FMWI") on April 26, 1995. The transaction was an asset purchase and, accordingly, BWTS (i) did not succeed to any liability under CERCLA for any hazardous substances that were disposed of at the Site and originated from the Romulus Property before that date and (ii) is not a potentially responsible party under CERCLA with respect to such substances. According to Attachment 1 (Site History) to your Notice and Request, CRS, Inc., - MI discontinued operations at the Site in 1981. Therefore, neither BorgWarner nor BWTS is willing to perform or finance the activities described in the Notice and Request.

BWTS subsequently sold the Romulus Property, again pursuant to an asset sale transaction, to GKN Sinter Metals, Inc. ("GKN") on September 21, 1998. GKN forwarded your Notice and Request to BorgWarner. Records, if any, regarding the disposal of hazardous substances from the Romulus Property are in the possession of either FMWI or GKN.

We realize that BWTS is nonetheless required to respond to the request for information under CERCLA Section 104(e) contained in the Notice and Request. BWTS's responses are set forth below.

The numbered responses below correspond to the numbered Questions in Attachment 2 to the Notice and Request. Please note that, although BorgWarner is responding to the Notice and Request, it is doing so on behalf of BWTS, *that is*, BWTS is the "Borg-Warner" which is the addressee of the Notice and Request for purposes of the definitions of "you", "yours" and "Respondent".

1. *Identify all persons consulted in the preparation of the answers to these questions.*

Anastasia Hamel
Director, Environmental Programs
BorgWarner Inc.
c/o BorgWarner Air/Fluid Systems Inc.
11955 East Nine Mile Road
Warren, Michigan 48089-2003

2. *Identify all documents consulted, examined, or referred to in the preparation of the answers to these questions, and provide copies of all such documents.*

The following documents were used in the preparation of the answers to the questions:

- (i) Agreement of Purchase and Sale by and among Federal-Mogul Corporation, Federal-Mogul Worldwide, Inc and Borg-Warner Automotive Automatic Transmission Corporation dated as of February 20, 1995; and
- (ii) Agreement of Purchase and Sale between Borg-Warner Automotive Automatic Transmission Corporation and GKN Sinter Metals, Inc. dated as of August 26, 1998.

Neither BorgWarner nor BWTS has any documents in its possession and control at this time relating to the Site or to the companies or persons specified in the Notice and Request or, other than the foregoing documents, otherwise used in the preparation of the answers to these questions. Because neither BorgWarner nor BWTS has been able to identify any person, documents, or other information indicating any connection between any BWTS material and the Site, BorgWarner and BWTS object to the production of the foregoing documents as irrelevant and unduly burdensome.

3. *If you have reason to believe that there may be persons able to provide a more detailed or complete response to any questions or who may be able to provide additional responsive documents, identify such persons.*

The following persons may be able to provide additional information or documents:

General Counsel
Federal-Mogul Corporation
26555 Northwestern Highway
Southfield, Michigan 48034

GKN Sinter Metals, Inc.
Attention: Chief Executive Officer
3300 University Drive
Auburn Hills, Michigan 48326-2362

4. *List the EPA Identification Numbers of the Respondent.*

Because neither BorgWarner nor BWTS has been able to identify any person, documents, or other information indicating any connection between any BorgWarner or BWTS material and the Site, BorgWarner and BWTS object to the request contained in Question 4 as irrelevant.

5. *Identify the acts or omissions of any persons, other than your employees, contractors, or agents, that may have caused the release or threat of release of hazardous substances, pollutants, or contaminants, and damages resulting therefrom at the CRS Site.*

Neither BorgWarner nor BWTS has any knowledge or information of any such acts or omissions of any such persons.

6. *Identify all persons including respondent's employees, who have knowledge or information about the generation, use, treatment, storage, disposal, or other handling of material at or transportation of materials to the Site (operating as Obitts Chemical Company or Chemical Recovery Systems, Inc., at 142 Locust Street, Elyria, Ohio).*

Neither BorgWarner nor BWTS has any knowledge or information of any persons having knowledge or information about the generation, use, treatment, storage, disposal, or other handling of material at or transportation of materials to the Site.

7. *Describe all arrangements that Respondent may have or may have had with each of the following companies and persons: [items a) through o) follow in the Notice and Request].*

Neither BorgWarner nor BWTS has any knowledge or information of any arrangements with any of the listed companies or persons.

8. *Set forth the dates during which the Respondent engaged in any of the following activities:*
- a) generation of hazardous materials which were sent to the CRS Site;*
 - b) transportation of any material to the CRS Site.*

Neither BorgWarner nor BWTS has any knowledge or information that BWTS ever engaged in any of the foregoing activities.

9. *Identify all persons, including yourself, who may have arranged for disposal or treatment, or arranged for transportation for disposal or treatment, of materials, including, but not limited to, hazardous substances, at the CRS Site. In addition, identify the following: [items a) through q) follow in the Notice and Request].*

Neither BorgWarner nor BWTS has any knowledge or information of any such persons. Accordingly, the response to items a) through q) is "Not applicable."

10. *Identify all liability insurance policies held by Respondent from 1960 to the present. In identifying such policies, state the name and address of each insurer and of the insured, the amount of coverage under each policy, the commencement and expiration dates for each policy, whether or not the policy contains a "pollution exclusion" clause, and whether the policy covers or excludes sudden, nonsudden, or both types of accidents. In lieu of providing this information, you may submit complete copies of all relevant insurance policies.*

Because neither BorgWarner nor BWTS has been able to identify any person, documents, or other information indicating any connection between any BWTS material and the Site, BorgWarner and BWTS object to the request contained in Question 10 as irrelevant and unduly burdensome.

11. *Provide copies of all income tax returns, including all supporting schedules, sent to the Federal Internal Revenue Service in the last five years.*

Because neither BorgWarner nor BWTS has been able to identify any person, documents, or other information indicating any connection between any BWTS material and the Site,

BorgWarner and BWTS object to the request contained in Question 11 as irrelevant and unduly burdensome.

12. *If Respondent is a Corporation, respond to the following requests:*

- a) *Provide a copy of the Articles of Incorporation and By-Laws of the Respondent.*
- b) *Provide Respondent's financial statements for the past five fiscal years, including, but not limited to, those filed with the Internal Revenue Service and Securities and Exchange Commission.*
- c) *Identify all of Respondent's current assets and liabilities and the person(s) who currently own(s) or is (are) responsible for such assets and liabilities.*
- d) *Identify the Parent Corporation and all Subsidiaries of the Respondent.*

As indicated in the first paragraph of this Response, BorgWarner is the Parent of Respondent, BWTS. Because neither BorgWarner nor BWTS has been unable to identify any person, documents, or other information indicating any connection between any BWTS material and the Site, BorgWarner and BWTS object to the remainder of the requests contained in Question 12 as irrelevant and unduly burdensome.

13. *If Respondent is a Partnership . . .*

Not applicable. Respondent is a Delaware corporation.

14. *If Respondent is a Trust . . .*

Not applicable. Respondent is a Delaware corporation.

Respectfully submitted,

BORGWARNER INC.,

on behalf of itself and its wholly-owned subsidiary,

BorgWarner Transmission Systems Inc.

(f/k/a/ Borg-Warner Automotive Automatic Transmission Systems Corporation)

By: *Stephanie C. Bransfield*
Stephanie C. Bransfield

Its: Corporate Counsel and Assistant Secretary

CERTIFICATION

I, Stephanie C. Bransfield, Corporate Counsel and Assistant Secretary of BorgWarner Inc. and Assistant Secretary of BorgWarner Transmission Systems Inc., certify under penalty of law that the foregoing document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted.

Based upon my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Stephen C. Braunsfeld

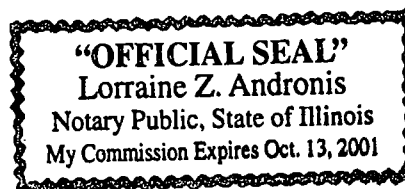
Date: March 27, 2001

STATE OF Illinois)
) ss.:
COUNTY OF Cook)

On the 27th day of March, 2001 before me personally came Stephanie C. Bransfield, known to me to be the individual described in, and who executed, the foregoing instrument, and she acknowledged to me that she executed the same.

Luann T. Anelkenis
Notary Public

My commission expires October 13 2001



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Automotive,
Inc.

200
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Illinois
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Illinois
60604



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Officer's Initials
W. Jackson Blvd.

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